

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

595
ORIGINAL

74-2426 1/8

United States Court of Appeals
FOR THE SECOND CIRCUIT

CARRIE L. HAZZARD,

Plaintiff-Appellant,

against

HON. CASPER WEINBERGER, ET AL.,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK (Pollack, J.)

**BRIEF FOR DEFENDANTS-APPELLEES MARTTIE LOUIS
THOMPSON, DIRECTOR FOR (CALS) COMMUNITY
ACTION FOR LEGAL SERVICES, INC. AND M.F.Y.
LEGAL SERVICES, INC.**

BOWER & GARDNER

Attorneys for Defendants-Appellees

Marttie L. Thompson, Director for (CALS)

Community Action for Legal Services, Inc.

and M.F.Y. Legal Services, Inc.

Office & P.O. Address

415 Madison Avenue

New York, New York 10017

(212) 751-2900

ALLEN M. TAYLOR
Of Counsel

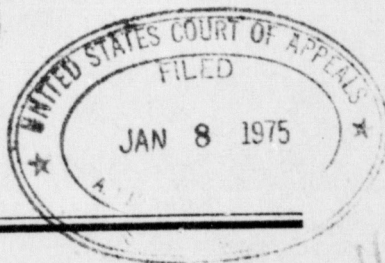


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Plaintiff-Appellant,

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LEGAL SERVICES, INC.**

Preliminary Statement

Plaintiff appeals from an order dismissing this action for want of jurisdiction of the person of certain defendants and want of Federal jurisdiction as to others (Memorandum Decision of Judge Pollack, plaintiff's App. 10-11).

Statement of the Issues for Review

No issue for review is raised in plaintiff's brief as against the people we represent, Marttie L. Thompson, Director for (CALS) Community Action for Legal Services, Inc., or MFY Legal Services Inc. (the latter of which plaintiff claims she is suing by suing Robert Piller, a former employee of MFY, in his representative capacity). Indeed, there is no mention whatever in plaintiff's brief of any of these persons or organizations.

I

No substantial Federal question is raised as to the defendants represented by us.

The charge against our clients is to be found in the unnumbered paragraph of the complaint commencing, "Lastly" at the bottom of page 10 and occupying most of page 11. There is no attempt to allege a Federal question against any of the persons or organizations therein mentioned. The most that can be gotten out of that paragraph, construing it most liberally, is a simple state court action for professional malpractice. No diversity is alleged with regard to it.

We look then at paragraph 2 of the complaint in which plaintiff purports to set forth the basis for Federal jurisdiction. We find that she refers to 28 U.S. Code, sec. 1915, 1983 and 1985, the Fourteenth Amendment, and certain Social Security Regulations. The allegations of this paragraph commencing "Lastly" do not fit within any of the provisions of these sections or the Fourteenth Amendment, or the Social Security Regulations. Thus there is no substantial Federal question upon which to base Federal jurisdiction.

CONCLUSION

The order should be affirmed.

BOWER & GARDNER

Attorneys for Defendants-Appellees

Marttie L. Thompson, Director for (CALS)

Community Action for Legal Services, Inc.

and M.F.Y. Legal Services, Inc.

Office & P.O. Address

415 Madison Avenue

New York, New York 10017

(212) 751-2900

ALLEN M. TAYLOR

Of Counsel

United States Court of Appeals
for the Second Circuit

376—Affidavit of Service by Mail

The Reporter Co., Inc., 11 Park Place, New York, N. Y. 10007

Carrie L. Hazzard
Plaintiff-Appellant
against
Hon. Casper Weinberger et al.
Defendants-Appellees

State of New York, County of New York, ss.:

Raymond J. Braddick, , being duly sworn deposes and says that he is
agent for Bower & Gardenre the attorney
for the above named Defendants-Appellees herein. That he is over
21 years of age, is not a party to the action and resides at Levittown, New York

That on the 8th day of January , 1975, he served the within
Brief

upon the attorneys for the parties and at the addresses as specified below

1. Carrie L. Hazzard
Plaintiff pro se
St. James Place
New York, New York
2. Paul J. Curran Esq.
U.S. Attorney
U.S. Courthouse
Foley Square
New York, New York
3. William F. Hyland
Attorney General New Jersey
State House Annex
Trenton. New Jersey
4. Mellen, Donnelly & Fogarty Esq.
Attorneys for Robert F. Morgano
335 Broadway
New York, New York
5. Gladstein & Isaac Esqs.
Attorney for Robert F. Barreca
127 John Street
New York, New York
6. Louis J. Lefkowitz
Attorney General N.Y.
2 World Trade Center
New York, New York
7. Adrian P. Burke
Corp. Counsel
Municipal Building
New York, New York
8. Morris, Duffy, Ivone &
Jensen Esqs.
233 Broadway
New York, New York

by depositing 3 true copies
to each of the same securely enclosed in a post-paid wrapper in the Post Office regularly main-
tained by the United States Government at
90 Church Street, New York, New York
directed to the said attorneys for the parties as listed above at the addresses aforementioned,
that being the addresses within the state designated by them for that purpose, or the places
where they then kept offices between which places there then was and now is a regular com-
munication by mail.

Sworn to before me, this 8th.

day of January, 1975

Roland W. Johnson

ROLAND W. JOHNSON
Notary Public, State of New York
No. 6609706
Qualified in Delaware County
Commission Expires March 30, 1975

Raymond J. Smith

